

MEETING OF THE DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION

A meeting of the Delaware Agricultural Lands Preservation Foundation was held at the Delaware Department of Agriculture, 2320 S. DuPont Hwy Dover, Delaware, on February 15, 2017 **with the following members in attendance:**

- Vice-Chairman Bill Vanderwende
- Secretary Michael Scuse
- Ms. Janice Truitt
- Ted Bobola
- Robert Emerson
- Kevin Coyle
- Peter Martin
- Mr. Ken Simpler
- Allen Messick
- Chip Narvel

Absent: Chairman Robert Garey

The following staff members were in attendance:

- Austin Short, Chief of Planning & Deputy Secretary of Agriculture
- Milton Melendez
- Scott Blaier
- Jimmy Kroon
- Howard Mesick
- Kathi Spangler
- Rebecca Vaughn

Others in attendance:

- Mike Parkowski, Parkowski, Guerke & Swayze
- Mr. Ralph Truitt, Delaware Association of African American Farmers
- Mr. Omar Masood, Office of the State Treasurer
- Chris Schubert, Eco-Site
- Richard D. Galster, Jr., Delmarva Power
- Matthew Felice, Delmarva Power
- Tom Feret, Sussex County
- Anthony Digiuseppe, Sussex County

Vice-Chairman Vanderwende opened the meeting at 8:30 AM.

I. Preservation Districts:

A. Current Situation Report:

Scott Blaier informed the Board there are currently 1,134 approved and pending districts & expansions in the program encompassing 173,345 acres after deducting terminations. There are 5 easements pending settlement from Round 20; once these are completed there will be 825 Agricultural Easements encompassing 118,468 acres at a cost of \$211,303,447. There were 202 properties appraised for Round 21; Mr. Parkowski is currently meeting with landowners interested in making an offer to sell their development rights. The preserved lands for Farmland and Forestland Preservation (once Round 20 Easements settle) will total 836 easements encompassing 119,396 acres with an acquisition cost of approximately \$213 million.

B. Young Farmers Report

Austin Short advised the Board that none of the five Young Farmer loans from Round 6 have settled yet; however, staff have issued checks for two of them – these two should settle soon. Cory Smith's attorney is working with the county to subdivide the property he is purchasing (from the remaining land that the seller will retain); this subdivision must occur prior to settlement. The survey question with the Magee property has been resolved and should soon proceed to settlement. Andrea Keen is waiting until March for settlement per her arrangement with the seller.

C. Expansion Eligibility & Final Approval

1. **Naylor-Gosser Expansion of the Tybout Tract District (N-16-11-130T)** After discussion and examination of the Application Report, **Kevin Coyle moved to accept for Final Approval the Naylor-Gosser Expansion of the Tybout Tract District, seconded by Chip Narvel. Motion unanimously approved.**
2. **William Betts Farm Expansion of the Redden District (S-16-11-172F)** After discussion and examination of the Application Report, **Ms. Janice Truitt moved to accept for Final Approval the William Betts Farm Expansion of the Redden District, seconded by Ted Bobola. Motion unanimously approved.**
3. **Cross Locking Farm LLC Forestland Preservation (F-N-16-12-129G-056)** After discussion and examination of the Application Report, **Chip Narvel moved to accept for Final Approval the Cross Locking Farm LLC Forestland Preservation, seconded by Ted Bobola. Motion unanimously approved.**

*Note: Austin Short advised the Board that the landowner is aware that there is currently no funding for the Forestland Preservation Program. The owner is not interested in selling his development rights but entered into the Forestland Preservation Area agreement primarily for property tax benefits. Similar to an Aglands Preservation district, the Forestland Area agreement is for 10 years. The Land Evaluation part of the LESA score is based on the productivity of the soils for forest (timber) production.

II. Secretary of Agriculture's Veto:

The Secretary of Agriculture, Michael Scuse, waived the right of veto for the above Districts & Expansions. The Chairman welcomed Secretary Scuse back to both the Department of Agriculture and the Aglands Foundation Board of Trustees.

III. Opportunity for Public Comments:

No Public Comments were received.

IV. Minutes:

Vice-Chairman Vanderwende asked if there were any comments or changes to the January 18, 2017 meeting minutes that were mailed to Board Members prior to today's meeting. Hearing no changes, the Vice-Chairman asked for a motion to approve the January 18th meeting minutes. **Chip Narvel moved to approve the January 18, 2017 minutes as presented, seconded by Robert Emerson. Motion unanimously approved.**

V. Financial Highlights:

The **January 31, 2017** Financial Statements were presented by Howard Mesick, who reported that Funds Held by the State were \$116,166.29, and funds in the State Interest Bearing Account were \$345,083.76 for a total of \$461,250.05. Monthly Income totaled \$525.00, all License Plate Income. Total Expense for January was \$22,394.68; Net Ordinary Income for the month of January was -\$21,869.68. The Net Income for the year was \$118,952.13. **Kevin Coyle moved to accept the January 31, 2017 Financial Statements as presented, seconded by Ms. Janice Truitt. Motion unanimously approved.**

VI. Other Business

- A. Delmarva Power Staging Area Lease Extension – Pritchett Expansion of the Reynolds Farm Inc. District (N-04-06-095D)** Delmarva Power requested an extension of 18 to 24 months to its existing agreement that grants them the ability to use 6.2 acres as a utility staging area. William Denman of Parkowski Guerke & Swayze reviewed the existing lease agreement and recommended that DALPF extend the lease. Rick Galster & Matthew Felice from Delmarva Power attended the meeting to field any questions concerning the request. **After discussion and examination of the request, Allen Messick moved to grant the extension, seconded by Robert Emerson. Motion unanimously approved.**

- B. T-Mobile Northeast LLC Cell Tower Request on Wilson Legacy Farm / Severson Neck District (K-96-04-081-5)** T-Mobile Northeast LLC (Eco-Site, Inc.) requested approval for the placement of a cell phone tower on the Severson Neck District. The owner of the property, George E. Wilson, is in favor of this project. William Denman of Parkowski Guerke & Swayze reviewed the documents submitted by T-Mobile Northeast LLC (Eco-Site, Inc.) and everything is in order to proceed. Total proposed area to be impacted: 0.06 acres. There will be no impact on farming operations. Chris Schubert from Eco-Site was present at the meeting to field any questions concerning the request. **After discussion and examination of the request, Ted Bobola moved to approve the cell tower request, seconded by Chip Narvel. Motion unanimously approved.**
- C. T-Mobile Northeast LLC Cell Tower Request on Bendelewski North Expansion of the Emil Gallo – Ruth Gallo District (K-13-12-050C)** T-Mobile Northeast LLC (Eco-Site, Inc.) requested approval for the placement of a cell phone tower on the Bendelewski North Expansion. The owners of the property, Daniel B. & Carol D. Bendelewski, are in favor of this project. William Denman of Parkowski Guerke & Swayze reviewed the documents submitted by T-Mobile Northeast LLC (Eco-Site, Inc.) and everything is in order to proceed. Total proposed area to be impacted: 0.17 acres. There will be no impact on farming operations. Chris Schubert from Eco-Site was present at the meeting to field any questions concerning the request. **After discussion and examination of the request, Chip Narvel moved to approve the cell tower request, seconded by Kevin Coyle. Motion unanimously approved.**
- D. Application for Approval of Sussex County Easement on Preservation Lands – Country Roosters Expansion of the Williamsville District (S-00-01-183A) Tull Brothers, LLC.** Sussex County requested both a temporary construction easement (TCE) and permanent maintenance easement (PE) for the installation and maintenance of a buried sewer line along Lighthouse Road between Selbyville and Fenwick Island on the Country Roosters Expansion of the Williamsville District. William Denman of Parkowski Guerke & Swayze reviewed the easement documents submitted by Sussex County for conformity and compliance with the program's statute and regulations. The proposed impacted area for permanent easement is 0.34 acres and the proposed impacted area for temporary construction easement is 0.18 acres. Tom Feret and Anthony Digiuseppe from Sussex County were present at the meeting to field any questions concerning the request. **After discussion and examination of the request, Robert Emerson moved to approve the temporary construction and permanent easement request, seconded by Allen Messick. Motion unanimously approved.**

E. Additional Information

Austin Short advised the board that the Joint Sunset Committee's public hearing for the Foundation was today at 5:30 pm at Legislative Hall. He provided each board member a copy of the Sunset Committee draft report. Austin will give a 15 to 20 minute overview at the hearing after which the Sunset Committee can ask questions. The public is also invited to submit comments at the hearing or submit them in writing until the Committee's final

recommendation hearing, which is not yet scheduled.

The Joint Finance Committee meeting, scheduled for Thursday, February 16, 2017, was postponed; it is not yet rescheduled.

VII. Executive Session


Foundation Attorney Mike Parkowski advised that an Executive Session was needed to discuss the current status of the appraisal and bidding process for Round 21. **Robert Emerson made a motion to go into Executive Session, seconded by Kevin Coyle. Motion unanimously approved.** Executive Session started at 9:03 A.M.

The Executive Session ended at 9:25 A. M. **Chip Narvel made a motion to come out of Executive Session, seconded by Ted Bobola. Motion unanimously approved.**

VIII. Adjournment

As there was no further business to come before the Foundation Board, the meeting adjourned at 9:25 a.m. The next meeting of the Foundation is **Wednesday March 15, 2017**, at the Delaware Department of Agriculture beginning at 8:30 a.m.

Respectfully submitted,


William Vanderwende
Vice Chairman

